

June 2, 2015

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Suite 240
Seattle, Washington 98104
Telephone (206) 477-0860
Facsimile (206) 296-0198
hearingexaminer@kingcounty.gov

NOTICE OF PRE-HEARING CONFERENCE

SUBJECT: Proposed ordinance no. **2015-0170**

MAPLE VALLEY REZONE

Location: Parcel no. 2022069011
SE 248th Street, between 196th Avenue SE, and SR-18

Matter Referred By: Metropolitan King County Council
staff contact **Erin Auzins**
King County Courthouse Room 1200
516 Third Avenue
Seattle, WA 98104
Telephone: (206) 477-0687
Email: erin.auzins@kingcounty.gov

Property Owner: Mark Cramer
represented by **Mark Cramer**
12916 231st Avenue SE
Issaquah, WA 98027
Telephone: (425) 890-0275
Email: markc@sfinv.net

Overview

This matter involves Proposed Ordinance 2015-0170, which if adopted would rezone parcel 022069011 (and any immediately abutting property zoned “Industrial”) from “Industrial” to “Rural Area.” The King County Council referred the ordinance to the Hearing Examiner’s Office to conduct a quasi-judicial hearing on the ordinance and then to issue a recommendation. Via Motion 14347, the Council provided additional direction to the Examiner. Neither the ordinance nor the hearing process will directly tackle the pending commercial site development application for this parcel. Any issues regarding that application would need to be addressed in another forum. This notice sets a *pre*-hearing conference and provides important information and deadlines.

Pre-Hearing Conference

The Examiner will conduct a pre-hearing conference on **Thursday, June 18, 2015, at 1:30 p.m.**, in the **DPER Snoqualmie Conference Room, 35030 SE Douglas Street, Snoqualmie**. The pre-hearing conference will:

- identify and clarify the issues for hearing;
- consider the need for any discovery;
- schedule any pre-hearing deadlines;
- identify parties and the witnesses the parties intend to call at the hearing;
- determine the parameters for the hearing; and
- address other procedural matters that will facilitate the efficient conduct of the hearing.

In terms of identifying and clarifying the issues for hearing, Motion 14347 identifies issues for the examiner to consider regarding this potential rezone. Additional code sections that might be relevant include KCC 20.24.180, which sets the general standard for examiner findings, and KCC 20.24.190, which sets specific examiner standards for rezones, including consistency with the King County Comprehensive Plan. Parties should come to the pre-hearing conference prepared with a list of Comprehensive Plan policies or other potentially applicable legal standards.

Following the pre-hearing conference, the Examiner will issue a pre-hearing order that will govern the conduct of the hearing.

Participation

The *pre*-hearing conference is not the venue for providing testimony on the merits of Proposed Ordinance 2015-0170. The merits of the ordinance will be tackled at a July public hearing. (Next week, we expect the Clerk of the Council to send out notice regarding the actual public hearing.) There will be a period set aside at that public hearing for members of the public to offer testimony.

Persons whose property is likely to be directly affected by the result of the hearing, or whose participation would be in the public interest, may petition to “intervene” in the process. (Hearing Examiner Rule of Procedure X.A., available at <http://www.kingcounty.gov/property/HearingExaminer.aspx>, describes the intervention process.) Petitions for intervention should be made by no later than the June 18 pre-hearing conference.

If a petition for intervention is granted, a petitioner becomes a “party” to the process. The Examiner will select someone to be the official party representative for purposes of filing and receiving documents and managing the intervenor’s role in the hearing process. Prior to the pre-hearing conference, those desiring intervenor status should self-select a representative.

One factor that makes this case amenable to intervention is that without an intervenor, the proposed ordinance will have no official “proponent,” no one to formally organize and present the case in favor of the proposed ordinance, leaving only the normal public testimony period. (Presumably, the property owner will organize and present the case in opposition to the proposed ordinance.) The Council is not the proponent. Instead, the Council has referred the matter to the

Examiner for review of the merits of the proposal, and after the Examiner issues his recommendation the Council will ultimately make the County's decision on the proposed ordinance, based on the record created during the Examiner's hearing.

In addition, any would-be intervenor should come to the June 18 pre-hearing conference prepared to address the items discussed above under "Pre-Hearing Conference," including a list of what Comprehensive Plan policies or other standards are potentially applicable.

DATED June 2, 2015.



David Spohr
Hearing Examiner

If the Snoqualmie Valley School district announces a district-wide school closure on the date of hearing, the proceeding will be automatically postponed. (Visit www.schoolreport.org or the district website for school closure information.) It will also be postponed if adverse weather conditions or similar area emergency prevent safe access to the hearing location, in which case we will make every reasonable effort to place case postponement notices and updates on the office website (www.kingcounty.gov/property/hearingexaminer) and voicemail ((206) 477-0860).

Once normal business operations resume, parties of record will be notified of the time and date of the rescheduled proceedings. Any other questions regarding postponements can be directed to the Hearing Examiner's Office by phone or email to hearingexaminer@kingcounty.gov.



**Sign language and communication material in alternate formats
can be arranged given sufficient notice to (206) 296-1000**



DS/vsm

RULES OF PROCEDURE OF THE KING COUNTY HEARING EXAMINER

I. PRE-HEARING CONFERENCES

A. Purpose and Initiation

Pre-hearing conferences promote efficient case management by providing an informal process for early identification of issues and resolution of procedural matters in complex cases. Evidence generally will not be received at a pre-hearing conference, except when required in order for the examiner to rule on a motion. (Pre-marking and introduction of exhibits to which there is no objection may occur at the discretion of the examiner.)

The examiner, on motion of any party or upon his/her own motion, may convene a pre-hearing conference to:

1. Identify, clarify, limit or simplify issues.
2. Hear and consider pre-hearing motions.
3. Schedule hearings, identify parties and witnesses, determine the order of and limits upon testimony, obtain stipulations as to facts and law, identify and admit exhibits, order discovery and consider and act upon any other matter which may aid in the efficient disposition of the hearing.

B. Requests for Conference

A motion to convene a pre-hearing conference shall be made to the examiner as soon as the need for a conference is recognized by the moving party (at least 21 days prior to the scheduled hearing date), and shall state the reasons for the request, including any motions to be presented. For good cause stated in the motion, the examiner may consider a request that fails to meet the 21-day requirement.

For hearings authorized under KCC 20.24.080, a motion by any party for a pre-hearing conference shall be granted if timely. However, unless consented to by all parties or otherwise ordered for good cause by the examiner, no pre-hearing conference on an appeal can be convened later than 45 days after receipt of the statement of appeal by the hearing examiner's office.

C. Proceedings at Conference

A party who has received timely notice of a pre-hearing conference shall identify at the conference any pre-hearing motions not previously made which he/she intends to make. Parties or interested persons may also file timely written pre-hearing motions for consideration at the pre-hearing conference. Failure to make or disclose a motion which was available to the party at the time of the conference may be grounds for its denial if subsequently made.

D. Pre-hearing Order

Following a pre-hearing conference, the examiner shall issue an order specifying all items determined at the conference. The order shall be binding upon all parties and interested persons who received timely notice of the conference.

(Effective March 31, 1995)

June 2, 2015

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Suite 240
Seattle, Washington 98104
Telephone (206) 477-0860
Facsimile (206) 296-0198
hearingexaminer@kingcounty.gov

CERTIFICATE OF SERVICE

SUBJECT: Proposed ordinance no. **2015-0170**

MAPLE VALLEY REZONE

I, Jonel Rabara, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **NOTICE OF PRE-HEARING CONFERENCE** to those listed on the attached page as follows:

- ☒ EMAILED to all County staff listed as parties of record/interested persons and primary parties with e-mail addresses on record.
- ☒ caused to be placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties of record/interested persons at the addresses indicated on the list attached to the original Certificate of Service.

DATED June 2, 2015.



Jonel Rabara
Legislative Secretary

All Parties of Record

Archuleta, Wally

Department of Permitting and Environmental Review
35030 SE Douglas Street Suite 210
Snoqualmie WA 98065

Buettner, Jane

PO Box 47
Maple Valley WA 98038
mailed paper copy

Auzins, Erin

Metropolitan King County Council
KCC-CC-1200
Seattle WA 98104
mailed paper copy

Carlson, Joanne

Department of Permitting and Environmental Review
35030 SE Douglas Street Suite 210
Snoqualmie WA 98065

Baldwin, Larry

23125 SE 243rd Place
Maple Valley WA 98038
mailed paper copy

Cascadia Law Group

1201 Third Avenue Suite 320
Seattle WA 98101
mailed paper copy

Bean, George

21621 SE 271st Street
Maple Valley WA 98038
mailed paper copy

Case, Dawn

23011 204th Avenue SE
Maple Valley WA 98038
mailed paper copy

Bills, Debra & Darren

19921 SE 242nd Place
Maple Valley WA 98038
mailed paper copy

Chase, Mike

24408 200th Avenue SE
Maple Valley WA 98038
mailed paper copy

Boggs, Nancy

20015 SE 236th Street
Maple Valley WA 98038
mailed paper copy

Christenson, Jackie

21849 SE 275th Place
Maple Valley WA 98038
mailed paper copy

Bohlin, Becky Jo

21226 SE 271st Street
Maple Valley WA 98038
mailed paper copy

Codd, Mel

PO Box 1067
Maple Valley WA 98038
mailed paper copy

Bottheim, Steve

Department of Permitting and Environmental Review
35030 SE Douglas Street Suite 210
Snoqualmie WA 98065

Cramer, Mark

Maple Valley Industries LLC
1420 NW Gilman Boulevard Suite 2137
Issaquah WA 98027
mailed paper copy

Buchanan, Larken

21229 196th Avenue SE
Renton WA 98058
mailed paper copy

Maple Valley Industries LLC

12916 231st Avenue SE
Issaquah WA 98027
mailed paper copy

Cummins, Kathy
23726 202nd Avenue SE
Maple Valley

WA 98038
mailed paper copy

Gursley, Joanna
21214 199th Place SE
Maple Valley

WA 98038
mailed paper copy

Daling, David
21616 SE 268th Street
Maple Valley

WA 98038
mailed paper copy

Haines, James
24516 SE 246th Street
Maple Valley

WA 98038
mailed paper copy

Dore, Elwood & Carol
24054 197th Place SE
Maple Valley

WA 98038
mailed paper copy

Hanson, Brenda
20610 SE 250th Street
Maple Valley

WA 98038
mailed paper copy

Eichelsdoerfer, Robert
Department of Transportation
KSC-TR-0222
Seattle

WA 98104

Hanson, Lisa
PO Box 648
Maple Valley

WA 98038
mailed paper copy

Estrada, Dave
21351 SE 297th Court
Kent

WA 98042
mailed paper copy

Hibler, Carolyn
21624 SE 273rd Place
Maple Valley

WA 98038
mailed paper copy

Falkenberg, Ty
27917 Maple Ridge Way SE
Maple Valley

WA 98038
mailed paper copy

Hockett, Joanna & Richard
20516 SE 241st Place
Maple Valley

WA 98038
mailed paper copy

Fasano, Mark and Ann
20208 SE 245th Street
Maple Valley

WA 98038
mailed paper copy

Holmes, John
31057 E Lake Morton Drive
Kent

WA 98042
mailed paper copy

Fry, Mary
PO Box 1199
Maple Valley

WA 98038
mailed paper copy

Hopkins, Nancy
Department of Permitting and Environmental Review
35030 SE Douglas Street Suite 210
Snoqualmie

WA 98065

Goll, Shirley
Department of Permitting and Environmental Review
35030 SE Douglas Street Suite 210
Snoqualmie

WA 98065

Jackson, Miles
24200 200th Avenue SE
Maple Valley

WA 98038
mailed paper copy

Jacobs, Marcia

21909 SE 311th Court
Black Diamond

WA 98010
mailed paper copy

Lorette, Tzeitel

24505 200th Avenue SE
Maple Valley

WA 98038
mailed paper copy

Jenseon, Don and Jane

19922 SE 242nd Place
Maple Valley

WA 98038
mailed paper copy

Macklin, Mike and Renee

24228 199th Place SE
Maple Valley

WA 98038
mailed paper copy

Johnson, Molly

Department of Permitting and Environmental Review
35030 SE Douglas Street Suite 210
Snoqualmie

WA 98065

Madden, Ty and Sue

24615 197th Avenue SE
Maple Valley

WA 98038
mailed paper copy

Jurich, Ramona

21717 SE 254th Place
Maple Valley

WA 98038
mailed paper copy

Magruder, Coresa

26404 187th Avenue SE
Covington

WA 98042
mailed paper copy

Kay, Jon and Peggy

PO Box 470
Maple Valley

WA 98038
mailed paper copy

Mann, Doran

544 Victor Street
Enumclaw

WA 98022
mailed paper copy

Kronewetter, Chuck

25025 200th Avenue SE
Maple Valley

WA 98038
mailed paper copy

McDougall, Heather

24635 200th Avenue SE
Maple Valley

WA 98038
mailed paper copy

Langworthy, Dan & Margaret

19913 SE 243rd Place
Maple Valley

WA 98038
mailed paper copy

Metropolitan King County Council

KCC-CC-1200
Seattle

WA 98104
mailed paper copy

Locsin, Ramon

Department of Permitting and Environmental Review
35030 SE Douglas Street Suite 210
Snoqualmie

WA 98065

Milam, Marcia

29009 194th Place SE
Kent

WA 98042
mailed paper copy

Lorette, Michael

24407 200th Avenue SE
Maple Valley

WA 98038
mailed paper copy

Miner, Ray and Shauna

24530 SE 276th Court
Maple Valley

WA 98038
mailed paper copy

Munk, Mary & Clayton

19929 SE 243rd Place
Maple Valley

WA 98038
mailed paper copy

Sandin, Randy

Department of Permitting and Environmental Review
35030 SE Douglas Street Suite 210
Snoqualmie

WA 98065

Nagasaka, Dianne

17009 SE 263rd Street
Covington

WA 98042
mailed paper copy

Sant, Jim

21642 SE 239th Place
Maple Valley

WA 98038
mailed paper copy

Noris, Anne

Metropolitan King County Council
MS KCC-CC-1200
Seattle

WA 98104

Schoenfield, Michael

29314 206th Court SE
Covington

WA 98042
mailed paper copy

Opfar, Whitney

26020 192nd Place SE
Covington

WA 98042
mailed paper copy

Seltz, Dawn

24118 200th Avenue SE
Maple Valley

WA 98038
mailed paper copy

Peterson, Ty

Department of Permitting and Environmental Review
35030 SE Douglas Street Suite 210
Snoqualmie

WA 98065

Shimek, Andrea

25777 215th Court SE
Maple Valley

WA 98038
mailed paper copy

Propeck, Robert

21415 SE 252nd Place
Maple Valley

WA 98038
mailed paper copy

Simms, Michelle

24627 200th Avenue SE
Maple Valley

WA 98038
mailed paper copy

Rigtup, Jacqueline

28878 213th Court SE
Kent

WA 98042
mailed paper copy

Simon, Mike and Pat

23618 202nd Avenue SE
Kent

WA 98038
mailed paper copy

Ring, Janet

19934 SE 242nd Place
Maple Valley

WA 98038
mailed paper copy

Simpson, Dave and Mary

19429 SE 248th Street
Maple Valley

WA 98038
mailed paper copy

Rogers, Nancy and Ron

23515 196th Avenue SE
Maple Valley

WA 98038
mailed paper copy

Thompson, Dianne

24933 183rd Place SE
Covington

WA 98042
mailed paper copy

Van Slyke, Steve

Puget Sound Clean Air Energy
1904 Third Avenue Suite 105
Seattle

WA 98101
mailed paper copy

Waldron, Melodie

26009 222nd Place SE
Maple Valley

WA 98038
mailed paper copy

West, Ron

20846 SE 240th Street
Maple Valley

WA 98038
mailed paper copy

Whorten, Susan and Dean

23804 202nd Avenue SE
Maple Valley

WA 98038
mailed paper copy

Williams, Parise

23937 205th Avenue SE
Maple Valley

WA 98038
mailed paper copy

Wolf, Donald & Connie

24503 197th Avenue SE
Maple Valley

WA 98038
mailed paper copy

Zander, Zack

20039 SE 244th Street
Maple Valley

WA 98038
mailed paper copy